



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,645	06/07/2001	Mingqiu Sun	884.439US1	9088

21186 7590 09/20/2007
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

TANG, KENNETH

ART UNIT	PAPER NUMBER
----------	--------------

2195

MAIL DATE	DELIVERY MODE
-----------	---------------

09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/876,645

Applicant(s)

SUN ET AL.

Examiner

Kenneth Tang

Art Unit

2195

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: NA.
Claim(s) objected to: NA.
Claim(s) rejected: 1-36.
Claim(s) withdrawn from consideration: NA.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

Continuation of 5. Applicant's reply has overcome the following rejection(s): Applicant's arguments regarding the 35 U.S.C. 112, 1st Paragraph rejections were found to be persuasive, and therefore, these rejections have been removed.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues the references do not teach the invention of claim 1, for example, disclosing a notification, in the form of an explicit and delayed acknowledgement, is sent to the execution-requesting client ONLY if a workflow is SUCCESSFULLY completed by a first workflow engine, otherwise assigning the workflow to a second workflow engine by sending it a work assignment message. In response, the Examiner respectfully disagrees. In the Applicant's Specification, Applicant defines the "explicit and delayed acknowledgements" to be notification when the final task is completed. The Abstract of Sasou states that "the notification section supplies a processing completion signal indicating completion of the series of tasks to the main CPU when the last task is completed". This completion signal of Sasou satisfies the Applicant's definition of an explicit and delayed acknowledgement. Any other signals besides said completion signal are not "explicit and delayed acknowledgements" because they don't satisfy Applicant's definition of an explicit and delayed acknowledgement. In other words, not all notification signals are explicit and delayed acknowledgements but rather only the signal that occurs during completion of the series of tasks is considered to be an explicit and delayed acknowledgement, according to Applicant's Specification. If the claimed language stated that notifications or signals (rather than Applicant's defined "explicit and delayed acknowledgement") are made only if a workflow is successfully completed, then Sasou would not read on the claims. However, this is not the case. Applicant argues that the client is not bothered with workflow failure messages, but this limitation is not in the claims. Finally, Applicant argues that the Bacon reference teaches a "workflow engine" that is a scheduler/router and not a computer system to execute workflow. In response, the Examiner respectfully disagrees. In Bacon, the computer server 110 is actually the "workflow engine" (see Fig. 1, items 110, 115a, 115b) that is similar to the workflow engine of Sasou and Campbell. Server 110 uses the elements of workflow engine 115a and 115b to execute workflows. Therefore, the references of Sasou, Campbell and Bacon are all in the same field of endeavor of executing workflows on a workflow computer system. Applicant's arguments have been fully considered but were not found to be persuasive..